

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District  
 FILE NUMBER: MVP-2007-398-DJP  
 PROJECT MANAGER: Dale Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: 2/28/2007  
 At the project site? Y ☐ N ☐ Date:

### **PROJECT LOCATION INFORMATION:**

State: WI  
 County: Waukesha  
 Center coordinates of site by latitude & longitude: 42.5510939445N, 88.3075400745W  
 Approximate size of site/property (including uplands) in acres: 8  
 Name of waterway or watershed: Upper Fox

Type of Aquatic Resource:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	1.2 Acre								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

FILE NUMBER: MVP-2007-398-DJP

ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): A wetland delineation was received at the Waukesha office for review and concurrence. The wetland delineation identified 1 wetland complex with a surface area of approximately 1.2 acres on the 8 acre parcel. A review of the aerial photography and the local topographic mapping available on the Walworth County IMS indicates that the subject wetland lacks a surface water connection or adjacency to a water of the US and is therefore, isolated on the landscape. Connections between the wetland and interstate commerce were also considered but could not be identified. Therefore, the subject wetland is an isolated waterbody that would not be subject to Corps Section 404 jurisdiction